## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

GERALD J. BROWN, SR.	)
v. DELEK U.S. HOLDINGS, INC., et al	) ) NO. 3:09-0179 ) JUDGE CAMPBELL )

## **ORDER**

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 40), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved.

Accordingly, Defendants' Motion for Partial Judgment on the Pleadings (Docket No. 24) is GRANTED in part and DENIED in part. In addition, Plaintiff's Motion for Voluntary Dismissal (Docket No. 29) is GRANTED in part and DENIED in part.

Plaintiff's Section 1981 claims against all Defendants are DISMISSED. Plaintiff's Tennessee Human Rights Act retaliation claims against all Defendants are DISMISSED. All claims against Defendants Yemin, Ploehn and Berry are DISMISSED with prejudice.

Plaintiff's Motion for Declaratory Judgment (Docket No. 38) is moot.

IT IS SO ORDERED.

TODD J. CAMPBELL

UNITED STATES DISTRICT JUDGE